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SUBJECT: NORTH DARFUR LEGISLATIVE COUNCIL SHOWS POTENTIAL

REF: KHARTOUM 905

¶1. (U) SUMMARY. The most recent session of the North Darfur Legislative Council officially ended on June 25 following an extension to finish all business before a four-month recess. Although handicapped by a narrow mandate, and dominated by the ruling National Congress Party (NCP), the appointed council members continue to test the limits of their powers, calling the North Darfur Minister of Education to task over poor performance and irregularities within the ministry during this abbreviated session. Council members have demonstrated commendable commitment to their work, spending long hours poring over reports, questioning poor performance by the executive branch, and voluntarily extending their session until they were satisfied with their results. The institutional foundation and capacity for local governance is clearly strong in North Darfur, and a freely and democratically elected legislative council would have much to contribute to local stabilization and reconciliation efforts, provided it results from legitimate, publicly supported and accepted elections. END SUMMARY.

Legislative Council Authorities

¶2. (U) The North Darfur legislative council was established in its current form by Article 180 of the Interim National Constitution of 2005, and has legislative jurisdiction primarily over the executive and administrative matters of the state. Issues of policy are largely concentrated under the "concurrent powers" shared by the national and state governments. In practice, this means that the state legislative council is sometimes asked to provide comments on policies proposed by the national assembly, but does not have the authority to accept or reject those proposals. In addition, the legislative council exercises a monitoring function over the state ministries, their budgets and their strategic plans. State ministers are required to submit an annual report to the council, which members either discuss or refer to committee. In North Darfur, there are eight permanent technical committees (i.e. Education and Health Committee, Local Governance and Public Works Committee) that investigate and issue recommendations regarding the ministries and their performance.

NCP Dominance Creates Tensions

¶3. (U) The council is currently comprised of 66 members, selected by the Wali in accordance with the power sharing agreement struck by the Darfur Peace Agreement (non-NCP members were generally selected by movement leaders, and then approved by the Wali). Current members will continue to sit on the council until the next elections, which are supposed to take place before the end of 2009. While the DPA reserved 12 seats for non-signatories, all seats in the next council will be determined by direct election.

14. (U) 34 of the current members, or exactly one more than half, belong to the ruling NCP and council members from Sudanese Liberation Movement/Minni Minawi and Free Will (SLM/MM and SLM/FW) have accused this group of "rubber stamping" ministry proposals by cutting off discussion and forcing premature votes on contentious issues. In addition, by calling a shortened session and distributing proposals less than 24 hours before they are to be discussed, SLM/FW reps claim that legislative council leadership (all NCP officials) have created an environment in which "nothing can be thoroughly studied, the NCP can pass anything, and there is effectively no opposition." Although one member called his NCP colleagues "bullies," he conceded that "until now, we, as opposition, have been able to express our opinions freely within the council and still have our immunity as members be respected outside the council." No members from any party reported threats, harassment, or intimidation in connection with their work on the council.

Ministry of Education Irregularities Top Agenda

15. (U) The most recent session of the North Darfur Legislative Council, which began on May 21, officially ended on June 25 following the re-appointment of the Secretary General. During the session, reports from ten state ministries were submitted and all were approved without issue except that of the Ministry of Education, which was referred to committee for further scrutiny. While originally scheduled to recess on June 16, the legislative session was extended in order to address unresolved issues with the state Minister of Education's performance and plans. Concerned by a

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sharp decrease in student performance on primary school exams (reftel), and reports that a different version of the national secondary school test was used exclusively in North Darfur, council members questioned the Minister on reasons for the irregularities and measures that would be taken to avoid them in the coming academic year.

16. (U) According to Secretary General Sami Abdulla, council members insisted that scheduling conflicts with the Open University (where many primary school teachers are taking classes) could not be used as an excuse for poor performance, and pressed the minister to make the necessary adjustments to the school calendar to ensure adequate class time. The legislative council also disagreed with the national Ministry of Education decision to give the students of North Darfur a different version of the exam taken by all secondary school students in Sudan due to security concerns, and called for a substantial increase in teaching staff (NOTE: State Ministry of Education staff told FieldOff that this was done in response to a past incident in which rebels allegedly stole the exam and distributed it across Sudan a week before it was scheduled to be given. End Note). As a result of the council's proactive intervention, schools in North Darfur began two weeks early and the state Minister of Education, accompanied by the Chairman of the Legislative Council, went to Khartoum to further discuss testing and staffing issues.

17. (U) In addition to ministries' strategic plans, the Legislative Council also considered two draft laws during the session. The first, introduced by the Ministry of Culture, Youth Sports and Tourism, aimed to license and regulate tourism related businesses, to establish a tourism council to promote North Darfur, and to establish a Tourism and Archaeology Protection Police Unit. This law was passed and sent to the Wali for signature. The second, sponsored by the Ministry of Health, dealt with environmental conservation issues. As it included provisions relating to agriculture, health, urban planning and natural resources, the council tabled the proposal until the next session, requesting that the relevant ministries work together in the interim to ensure that all interests are represented in the bill before it is formally introduced. Before closing the session, the council voted to re-appoint Abdulla as Secretary General.

Comment

18. (U) Despite the absence of real opposition, and despite a narrow mandate that reserves most substantive policy issues for the central government, the Legislative Council turned in a relatively impressive performance during the past session. Members are not only reading and studying the proposals presented to the council, but they are questioning discrepancies and holding government officials accountable for poor performance. Rather than rushing to finish their work, they took additional time to be sure that all questions were answered to their satisfaction, and that all possible solutions were being explored. That their efforts included coordination with the National Assembly and federal ministries in Khartoum also demonstrates the seriousness with which they approach state government.

19. (SBU) The institutional foundation for local governance appears to be good in North Darfur. Current membership demonstrates that some real skills and capacity are also present. What is lacking is the legitimacy conveyed by a freely and democratically elected council. The Legislative Council could make substantial contributions towards local stabilization and reconciliation efforts. However, it will likely not be able to accomplish real progress until it is composed of representatives elected through a fully participatory and publicly accepted process, criteria that hastily organized elections held in a climate of insecurity may not meet. The challenges to holding successful elections in Darfur are enormous and well known; the international community and the Sudanese themselves must work toward creating the conditions that will allow elections to occur, with maximum encouragement to IDPs to participate, and maximum pressure placed on rebel groups not to obstruct.

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